

REMARKS

Applicants have thoroughly considered the Office action mailed on February 9, 2007. Claims 1-5, 7, 9 and 19-23 have been amended by this Amendment E. Thus, claims 1-5, 7, 9-16 and 18-23 are presented in the application for further examination. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claims 1-5, 7, 9-16, and 18-23 stand rejected under 35 U.S.C. § 112 for being indefinite. In particular, the Examiner asserts the limitations in the claims such as "the video switching stream behavior" in claim 1 and "the client screen", "the stream selection thread", and "the time period" in claim 23 have insufficient antecedent basis in the specification.

However, according to MPEP 2173.05(d), the mere fact that a term or phrase used in the claims has no antecedent basis in the specification disclosure does not mean that the term or phrase is indefinite. And, in this case, claim 1 was amended to include this subject matter and the remarks in the previous amendment, Amendment D, addressed this subject matter and its antecedent basis in particular (see page 9 of Amendment D filed on November 16, 2006).

For example, the antecedent basis for the phrase "the video switching stream behavior" in claim 1 may be found on page 19, lines 3-6, "[a]lthough the table provides exemplary values of the control parameters, it will be appreciated that the values of the control parameters can be tailored to obtain desired **video stream switching behavior**." And, the antecedent basis for the phrases "the client screen" and "the stream selection thread" in claim 23 may be found on page 18, the "Description" field of Table 1 "Minimum time that a selected participant's video stream will be displayed on **the client screen**" and "Time period for which **the Stream Selection thread** will go to sleep before it wakes up again to compute weights and switch video", respectively.

As for the phrase "time period", it is not clear which "time period" in claim 23 the Examiner is referring to. However, the antecedent basis for the phrases "time period for which the Stream Selection thread will go to sleep", "the time period that an actively

talking participant's video stream is displayed" and "the time period that each participant's video stream is displayed" in claim 23 may be found on page 18, in following the "Description" fields of Table 1, respectively, "[t]ime period for which the Stream Selection thread will go to sleep before it wakes up again to compute weights and switch video", "[t]he time period that an actively talking participant's video stream is displayed by the client if only this participant is talking" and [t]he time period that each participant's video stream is displayed if none of the participants is talking."

Thus, Applicants assert that the subject matter in the claims 1 and 23 have sufficient antecedent basis in the specification and rejection of claims 1-5, 7, 9-16, and 18-23 should be withdrawn.

Claim Rejections under 35 U.S.C. § 101

Claims 1-5, 7, 9 and 19-23 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully disagree, however, to further prosecution have amended claim 1 to recite "tangible computer-readable medium having computer-executable instructions stored thereon" and claims 2-5, 7, 9 and 19-23 to recite "tangible computer-readable medium" as suggested by the Examiner. Thus, Applicants assert that claims 1-5, 7, 9 and 19-23, as amended, are directed to statutory subject matter and the rejection should be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1-7, 9-16, and 18-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sandvoss et al U.S. Pat. No. 5,745,380 (Sandvoss) in view of Hayes-Roth U.S. Pat. No. 6,031,549 (Hayes-Roth).

Sandvoss discloses teleconferencing where the multimedia streams with the highest priority level streams are actively transmitted. In particular, Sandvoss et al. teaches that the weight used to determine priority is calculated from substream signals that are input to a process. (column 3, lines 53-58)

Hayes-Roth discloses a method for directing the behavior of an improvisational character. (column 6, line 28) Hayes-Roth defines an improvisational character as "any computer-controlled entity which is embodied in a computer-controllable medium such

as computer graphics, animation, robotics, virtual reality, audio, video, film, or text." (column 6, lines 29-34) Additionally, Hayes-Roth teaches that character's activity state is updated whenever the character is directed "to execute a behavior and whenever it receives a perception message packet from the animator indicating that the other character has executed a behavior." (column 14, lines 34-39) One column of the activity state table contains a corresponding weight for weighting the desirability value of a behavior. (FIG. 37, column 19, lines 8-11)

In contrast, claim 1 recites:

defining a participant selection control parameter for the multimedia conference, said participant selection control parameter being used to tune the video switching stream behavior for the multimedia conference;

receiving simultaneously multimedia conferencing data from the multiple participants, the multimedia conference data including a video stream from each of the participants;

monitoring participant events of the multimedia conference, said participant events associated with the multimedia conferencing data of the participants, said **participant events being generated in response to changes in the data information and the control information** of the multimedia conferencing data;

providing a participant state table associated with the multimedia conference indicating an activity state variable for each participant of the multimedia conference, said **activity state variable including values and statistics associated with the participant's multimedia conference data;**

updating the activity state variable in the participant state table for each of the participants **according to the participant events;**

periodically **computing a weight** for each of the participants **based on the activity state variable of said each participant and the participant selection control parameter;**

identifying a participant having a highest weight among the participants; and

selecting from the received multimedia conferencing data a video stream corresponding to the identified participant having the highest weight for viewing by the client.

On pages 17-19 of the specification, participant selection control parameters are defined to affect the outcome of the weight computation. (Specification, pages 17-19, Table 1) For example, that the values of the control parameters (shown in Table 1) can be tailored (or tuned) to obtain desired video stream switching behavior. (Specification,

page 17, lines 3-6; page 18, Table 1; and page 19, lines 4-6) Additionally, the participant selection control parameters can be set for each conference to suit the nature or format of the network conference. (Specification, page 19, lines 6-8) And, the values of the participant selection control parameters may be specified when the conference is set up. (Specification, page 19, lines 8-9)

Sandvoss and Hayes-Roth, either taken separately or in combination do not anticipate or make obvious the claimed invention as these references fail to teach various aspects of the invention. For example, neither Sandvoss nor Hayes-Roth teach or disclose **defining a participant selection control parameter for tuning the video switching stream behavior for the multimedia conference and periodically computing a weight for each of the participants based on the activity state variable of said each participant and the participant selection control parameter** as recited in claim 1.

Thus, claim 1 is patentable over Sandvoss in view of Hayes-Roth and should be allowed. Furthermore, claims 2-5, 7, 9, 19, 20 and 23 depend from claim 1 and are allowable for at least the same reasons as claim 1. Additionally, claims 10 and 21 have recite similar subject matter as claim 1 and are allowable for the at least the same reasons as claim 1. Furthermore, claims 11-16 and 22 depend from claims 10 and 21 and are allowable for at least the same reasons as claim 1.

In view of the foregoing, Applicants submit that independent claims 1, 10 and 21 are allowable over the cited art. The claims depending from these claims are believed to be allowable for at least the same reasons as the independent claims from which they depend.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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